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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,497	11/07/2001	Zvi Slovin	233-94	6308
23117	7590	10/23/2006	EXAMINER	
NIXON & VANDERHYE, PC			NGO, NGUYEN HOANG	
901 NORTH GLEBE ROAD, 11TH FLOOR				
ARLINGTON, VA 22203			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/857,497	SLOVIN, ZVI
	Examiner	Art Unit
	Nguyen Ngo	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 September 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Response to Amendment***

This communication is in response to the special amendment of 9/29/2006.

Accordingly, Claims 1-5 are currently pending in the application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al (US 6363065), in view of Lu et al. (US 5887256) in view of Menard (US 6944151), hereinafter referred to as Thornton, Lu, and Menard.

**Regarding claim 1, 2, 3, 4, 5,** Thornton discloses a wireless local loop system comprising;

a data network (30 of figure 1)/PSTN gateway unit (200 of figure 1);

at least one data line (as seen in figure 1);  
wherein said gateway (200 of figure 1) unit is operative to switch incoming data packets onto the data network (digitize telephony signal for that call into suitable IP packets and transmit those packet with appropriate IP addresses, 30 of figure 1), to translate incoming voice packets from IP packet format into analog voice representation and to switch said analog voice representation onto the PSTN (conversion to an analog telephony signal, col4 lines 54-64 and col11 lines 35-40 and col13 lines 49-67)

Thornton however fails to specifically disclose a base station connected to the gateway unit and a multiplicity of wireless subscriber units communicating wirelessly with the base station. Thornton however discloses of PBXs for routing voice, data, and facsimile, between two peer PBXs over either a PSTN or a data network (page 1 col 5-20). It is well known in the art that there are a variety of wired and wireless private branch exchanges (PBXs) that are available. Lu further discloses of wireless PBX that are coupled to a base station (col1 lines 51-67 and figure 1 and figure 2). It would have thus been obvious to implement a wireless PBX which connects to a base station and a multiplicity of wireless subscriber units as seen from Lu into the system and method of automatically routing voice, data, and facsimile, between two peer PBXs over either a PSTN or data network as seen from Thornton in order to fully utilize the advantages of a wireless system, so that subscribers may roam within the area of the base station.

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Thornton further fails to disclose the limitation of an analog converter and a packet switcher in each subscriber unit. Thornton however discloses the need to develop technology and commercial products that can be utilized to transport, as an alternative to use of the PSTN, voice, data, and facsimile communication, which would heretofore be carried over the PSTN, in packetized fashion over an IP data network, such as the Internet (col2 lines 55-65), thus providing the motivation to incorporate some sort of analog converter and packet switcher in the local network (location 1 or 2) so that users may efficiently communicate over a data network such as the Internet or the PSTN in a user friendly and efficient manner.

Menard however discloses a telephone to packet adapter (correlating to subscriber at location 1 or 2) comprising a analog to digital and digital to analog full duplex (an analog converter operative to translate incoming information in IP packet format into analog voice representation and to feed said analog voice representation to the telephone host (telephone set 12 of figure 1), and to receive incoming analog voice information from the telephone host, to translate said incoming analog voice information into IP packet formatted information and to feed said IP packet formatted information to the base station (disclosed by the combination of Thornton and Lu), col3 lines 29-37 and figure 1 and 6). Menard further discloses a controller circuit that either route the telephone interface to one of the telephone line and the packet network interfaces and route the Local Area Network (non-telephone host) interface to one of the telephone line and the packet network interfaces depending on at least one preestablished routing rule

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(a packet switcher operative to perform packet switching on IP packets arriving from the base station connected to the subscriber unit (adapter), including routing IP packets for hosts other than the telephone host to those hosts (LAN) and routing IP packets for the telephone host to the analog converter (D/A-A/D full duplex interface,col2 lines 1-6). It would thus be obvious to a person skilled in the art to incorporate the telephone to packet adapter disclosed by Menard into the hybrid communication network disclosed by the combination of Thornton and Lu to efficiently communicate over a data network, such as the Internet or the PSTN in a user friendly and efficient manner.

***Response to Arguments***

4. Applicant's arguments with respect to claim 1-5 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Farris (US 6064653), Internetwork Gateway-to-Gateway Alternative Communication.
  
- b) Gorman et al. (US 2002/0110115), Telecommunication System, Method And Subscriber Unit for Use Therein.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Ngo whose telephone number is (571) 272-8398. The examiner can normally be reached on Monday-Friday 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

N.N.

**Nguyen Ngo**

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RICKY Q. NGO  
ADVISORY PATENT EXAMINER

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